Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of Sections 309(j) and 337 Of the Communications Act of 1934 as Amended	)	WT Docket 99-87
	)	
	)	RM-9332
Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies	)	

REPLY COMMENTS OF THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL

The National Public Safety Telecommunications Council ("NPSTC") submits these REPLY comments in response to the Commission's *Third Further Notice of Proposed Rulemaking* addressing the Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies.[1]

The subject of the *Further Notice*, the Commission's rule, Section 90.203(j) (5), 47 C.F.R. § 90.203(j) (5), is currently stayed. The provision requires that applications for Part 90 equipment certification of transmitters designed to operate on frequencies in the 150-174 MHz and/or 421-512 MHz bands, received on or after January 1, 2005, include a certification that the equipment meet a spectrum efficiency standard of one voice channel per 6.25 kHz of channel bandwidth. The Commission requested comment on whether a revised rule would place burdens on manufacturers or whether it would jeopardize interoperability. The Commission further inquired whether a mandate of 6.25 kHz

[1] In the Matter of Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended and Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, *Third Memorandum Opinion and Order, Third Further Notice of Proposed Rulemaking and Order,* WT Docket 99-87, RM -9332, 29 FCC Rcd 25045 (December 23, 2004).

equipment as compared to requiring reconfigured 12.5 kHz equipment or software defined equipment at 12.5 kHz to be capable of 6.25 kHz efficiency affects either the burdens or the interoperability challenges.

ICOM recommended that the rule be reinstated in the near future.[2] The other six comments urged either that the rule be abandoned or delayed. M/A-Com stated that the shared character of the band made it incompatible with 6.25 kHz technology.[3] Kenwood emphasized the pragmatic difficulties of imposing the 6.25 kHz mandate under present circumstances and the limited benefits to be obtained.[4] Comments reiterated the record that the investment demands on manufacturers to provide 6.25 kHz efficiency in 12.5 kHz equipment would not provide parallel benefits. The Land Mobile Communications Council (LMCC) reflected NPSTC's position, stating concern regarding the lack of interoperability in the 6.25 kHz environment.[5] Motorola emphasized the need for 6.25 kHz technology to mature[6]. M/A-Com and LMCC related that the equipment certification process presented a limited means to promote narrowband technologies.[7]

Kenwood advocates reconfiguring the bands' allotments to promote 6.25 kHz efficiency[8]; M/A-Com recommends that the bands be converted to exclusive licensing.[9] The Enterprise Alliance urges that licensees be afforded additional flexibility to subdivide their authority. Several comments urged that the marketplace should decide

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[2] Comments of ICOM America, Inc. and ICOM, Inc. at 6.
[3] Comments of M/A-Com, Inc. (M/A-Com) at 1.
[4] M/A-Com at 1, 3-5, Comments of Kenwood U.S.A. Corporation, Communications Division (Kenwood) at 3.
[5] Comments of the Land Mobile Communications Council (LMCC) at 3.
[6] Comments of Motorola, Inc. at 2.
[7] MA/Com at 8, LMCC at 3.
[8] Kenwood at 7.
[9] M/A Com at 5.

the rollout of 6.25 kHz technology.[10] That substantial portions of the band are licensed on a shared basis and contributes to the complexity of the challenge was also noted. [11]

NPSTC reiterates its position that no mandate to 6.25 kHz technology should be imposed until its interoperability capability becomes clarified. NPSTC agrees with those comments stating that until 6.25 kHz technology demonstrates interoperability capability, any investment in dual 12.5 kHz/6.25 kHz equipment, which would be paid for by all users, including public safety agencies, imposes costs but no tangible benefit. The record demonstrates that functional interoperability between and amongst radios from different manufacturers is some distance in the future. A mandate, unlike a market development where the buyer can evaluate the risks, should be accompanied by the inclusion of fundamental interoperability. NPSTC believes that the rule should be deferred until at least 5 years after a 6.25 kHz interoperability standard has been defined and published by the Telecommunications Industry Association (TIA) and/or the American National Standards Institute (ANSI).

. Any consideration of mandating dual 6.25 kHz and 12.5 kHz equipment cannot be isolated from the progress and circumstance of the latter. NPSTC has noted that the 12.5 kHz mandate already imposes substantial difficulties for public safety agencies to expand contours and obtain replacement equipment subsequent to 2011. NPSTC believes that these challenges need to be resolved prior to imposing a 6.25 kHz mandate on top of the 12.5 kHz mandate.

Several comments advocate positions that present issues of a much larger context with regard to the administration of the spectrum bands at stake. Moving to exclusive

[10] Kenwood at 6, Comments of the Enterprise Wireless Alliance (EWA) at 5, LMCC at 5.
[11] EWA at 4.

licensing, reconfiguring the bands to provide more incentives to efficiencies, and allowing the market solely to determine the rollout of 6.25 kHz are issues that overtake the question in the *Further Notice.* Whether equipment providing 12.5 kHz service should also be capable of 6.25 kHz efficiency should be mandated is a more confined issue. NPSTC believes that no mandate should be imposed until an interoperability protocol has been accepted and embraced, even in circumstances of 12.5 kHz reconfigured or software defined equipment. The Commission's stayed rule requiring 6.25 kHz technology should not be reinstated until an interoperability standard is fully defined and adopted. Without that standard, such a mandate will cause added cost, borne by the user that will accrue no benefit and disrupt the present challenges of moving to 12.5 kHz.

Respectfully submitted,

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